

**Frank Lacey**  
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Kennett Square, PA 19348

[flacey@comverge.com](mailto:flacey@comverge.com)

**Areas of expertise**

Regulatory Strategy, Market Development, Strategy Development, Regulatory Origination, Market Design, Written and Oral Communications, and Financial Strategy.

**Employment**

**Vice President, Regulatory and Market Strategy** June 2010-Present  
**Comverge, Inc.**  
*Kennett Square, PA*

- Member of the Executive Council.
- Oversee government, regulatory and market strategies across the US.
- Responsible for managing legislative, regulatory and market rule issues and developments.
- Develop growth and market entry strategies for business units.

**Director, Government and Regulatory Affairs** April 2006-June 2010  
**Direct Energy Services, LLC**  
*Pittsburgh, PA*

- Managed Complex Transaction team consisting of four direct reports and eight functional leaders.
- Developed Pennsylvania business plan and ongoing responsibility for implementation of Pennsylvania business strategy.
- Managed regulatory strategy, regulatory risk and attained desired regulatory results in Mid-Atlantic region of US. Advocated for competitive market design structures in emerging electricity markets.
- Facilitated change in PJM market credit rules to allow up to \$50 million in parental guarantees from foreign-owned entities.
- Testified numerous times as expert on energy market issues before Maryland, Pennsylvania and Delaware Commissions and Legislatures.

**President** July 2004-April 2006  
**Starlight Energy / Retail Energy Services Consulting**  
*Pittsburgh, PA*

- Morphed startup entity seeking \$20 million in equity capital to Consulting Firm focused on Energy Market Development issues.
- Drafted business plan and developed pro forma financial projections for national retail electricity delivery business.
- Secured \$100 million credit relationship and working capital financing from market participants to enable launch of retail electricity company.
- Developed application and received FERC market-based rate authority.
- Board Member -- Center for Advancement of Energy Markets.

**Director, Regulatory Affairs, Strategic Energy** November 2001-June 2004  
*Pittsburgh, PA*

- Managed regulatory group of 15 people working in 12 different states and Washington, DC.
- Corporate responsibility for managing regulatory strategy, regulatory risk and attainment of desired regulatory results. Advocated for market structures in emerging electricity markets. Assisted employees in regional regulatory strategy development and execution.
- Led company's Standard Market Design ("SMD") efforts at FERC and was the Company's lead FERC representative. Educated FERC staff and Commissioners about unique risks to retail community in SMD efforts.
- Served on ERCOT Board of Directors as REP sector representative.
- Served on Electric Power Supply Association (EPSA) Board of Directors.

**Senior Manager**

October 1998-October 2001

**Arthur Andersen**

*Washington, DC*

- Responsibility for development and growth of Andersen's transmission restructuring business in Eastern half of US market.
- Managed overall development of the American Transmission Company business structure. Andersen project team included members from audit, consulting, IT and tax divisions.
- Project manager for Alliance RTO development project that resulted in the first Transco filing at FERC. Developed pre-filing materials to educate FERC staff on Transco issues.
- Managed the review and analysis of FERC NOPR on RTO development for a large Southeastern Utility. Analysis included recommendations for regulatory response, financial options for developing RTO, and analysis of the impact of moving to RTO model.
- Managed the development of corporate-wide analysis of operational impacts of moving to RTO structure for a southeastern utility. Analysis included process redesign within a currently integrated utility operating in the future without transmission asset control. Overall regulatory strategy was developed and tradeoffs between FERC incentives on transmission restructuring and local ratemaking allowances were analyzed. The overall financial and regulatory impact of moving transmission out of integrated business unit was presented to company board of directors.
- Managed the facilitation process of 6 northeastern utility management teams developing business model for transmission grid operations. Facilitation effort included development of ISONE transmission tariff model, negotiation of partnership documents and development of transmission processes.

**Associate Consultant**

January 1995-September 1998

**Putnam, Hayes and Bartlett, Inc.**

*Washington, DC*

- Associate consultant in firm's energy practice.
- Developed pro forma financial statements to value several generation plant transactions.
- Generated carve-out analyses valuing SO<sub>2</sub> allowances, NO<sub>x</sub> credits and other environmental assets to evaluate sensitivities to environmental policy risks.
- Developed SO<sub>2</sub> emission management strategy tool for large mid-atlantic utility. Analysis included evaluating options including construction of scrubbing technology on large coal fired plant, purchasing SO<sub>2</sub> allowances for fleet, and selling certain generation assets.
- Prepared direct and rebuttal testimony for expert witnesses in several different matters in front of FERC, State Commissions and other tribunals. Assisted in the preparation of witnesses for hearings.

Education

**MSIA with concentrations in finance, entrepreneurship and environmental management (MBA)**

*Carnegie Mellon University, Tepper School of Business, Pittsburgh, PA (supplemental coursework taken in Public Policy and Engineering Departments)*

*-Entrepreneur of the Year Award, DonJonesCenter for Entrepreneurship*

*-Thomas M. Kerr Ethics in Business Award*

**B.S. in Transportation and Logistics**

*University of Maryland, College Park, MD*

**Frank Lacey  
Testimony,  
Speeches and  
Papers**

Prepared Direct Testimony of Frank Lacey On Behalf of Strategic Energy, LLC, before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. June 6, 2002.

Prepared Rebuttal Testimony of Frank Lacey On Behalf of Strategic Energy, LLC before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. June 20, 2002

Cross Examination testimony of On Behalf of Strategic Energy, LLC before the Public Utilities Commission of the State of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. July 2002.

Prepared Testimony of Frank Lacey on the subject of truing up the CERS Fee On Behalf of Strategic Energy, LLC before the Public Utilities Commission Of the State Of California in the matter of the Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060. Docket No. R. 02-01-011. March 19, 2003

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company, Docket Nos. R-00038092, R-00038092C0001 and R-00038092C0002. January 2003.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Strategic Energy L.L.C. Before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001 and R-00038092C0002. February 2003.

Prepared Supplemental Testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001, R-00038092C0002. November 2003

Cross Examination testimony of Frank Lacey on behalf of Strategic Energy L.L.C. before the Pennsylvania Public Utility Commission in the matter Pennsylvania Public Utility Commission, et al. v. Duquesne Light Company Docket Nos. R-00038092, R-00038092C0001, R-00038092C0002. July 1, 2003.

Prepared Direct Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. May 19, 2003.

Prepared Supplemental Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. June 12, 2003.

Deposition Testimony of Frank Lacey submitted on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. May

2003 and June 2003.

Cross Examination testimony of Frank Lacey on behalf of Strategic Energy L.L.C. and Dominion Retail, Inc. before the Public Utilities Commission of Ohio in the matters of the Continuation of the Rate Freeze and Extension of the Market Development Period for The Dayton Power and Light Company Case No. 02-2779-EL-ATA and the Application of The Dayton Power and Light Company for Certain Accounting Authority Pursuant to Section 4905.13, Ohio Revised Code Case No. 02-2879-EL-AAM. June 2003.

Oral Testimony of Frank Lacey before the Standing Committee on Energy of the New York State Assembly on the issue of Ensuring a Reliable Supply of Electricity to the People of New York, Chairman Paul D Tonko, presiding. March 6, 2003

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. February 2004.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. February 2004.

Cross Examination testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. before the Pennsylvania Public Utility Commission in the matter of the Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service. Docket No. P-00032071. April 1, 2004.

Oral Testimony of Frank Lacey at the POLR Roundtable before the Pennsylvania Public Utility Commission re: Optimal Future POLR Design models. May 3, 2004.

Prepared Direct Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. and Mid-American Energy Company before the Public Utilities Commission of Ohio in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case No. 03-2079-EL-AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital Investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 6, 2003.

Deposition of Frank Lacey in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case No. 03-2079-EL-AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital Investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 2003.

Cross Examination Testimony of Frank Lacey on behalf of Strategic Energy, L.L.C. and Mid-American Energy Company before the Public Utilities Commission of Ohio in the matters of The Application of the Cincinnati Gas & Electric Company to Modify its Non-Residential Generation Rates to Provide for Market-Based Standard Service Offer Pricing and to Establish a Pilot Alternative Competitively-Bid Service Rate Option Subsequent to Market Development Period, Case No. 03-93-EL-ATA, The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Certain Costs Associated with the Midwest ISO, Case No. 03-2079-EL-

AAM, and The Application of the Cincinnati Gas & Electric Company for Authority to Modify Current Accounting Procedures for Capital investment in its Electric Transmission and Distribution System and to Establish a Capital Investment Reliability Rider to be Effective After the Market Development Period, Case Nos. 03-2080-EL-AAM and 03-2080-EL-ATA. May 18, 2003.

Oral Testimony of Frank Lacey before the Michigan Senate Committee on Technology and Energy on the subject of revision to Public Act 141, the Michigan Electricity Choice and Restructuring Act, Chairman Bruce Patterson, Presiding. May 19, 2004.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Senate Finance Committee on Senate Bill 561 on the subject of communications between electric companies and suppliers to enhance the development of competitive electric markets, Chairman Thomas Middleton, Presiding. March 7, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland Senate Finance Committee on Senate Bills 814, 1048, 1051 and 1078 on the subject of retail electricity market design, Chairman Thomas Middleton, Presiding. March 14, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Maryland House of Delegates Economic Matters Committee on House Bills 1334, 1654 and 1712 on the subject of retail electricity market design, Chairman Dereck Davis, Presiding. March 14, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utility Commission in the Matter of Petition of Direct Energy Services, LLC for Emergency Order, Docket No. P-00062205, April 11, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utility Commission in the Matter of Policies to Mitigate Potential Electricity Price Increases, Docket No. M-00061957, June 22, 2006.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, July 7, 2006. (Case Settled)

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, August 2, 2006. (Case Settled)

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Duquesne Light Company Base Rate Case, Docket No. R-00061346, August 16, 2006. (Case Settled)

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, November 15, 2006.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 6, 2006.

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 15, 2006.

Oral Rejoinder Testimony and Cross-examination of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of PPL Electric Utilities Corporation for Approval of Competitive Bridge Plan, Docket No. P-00062227, December 15, 2006.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania House of Representatives, Consumer Affairs Committee, Honorable Joseph Preston Jr., Chairman, March 15, 2007.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, March 29, 2007. (case settled)

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, April 12, 2007. (case settled)

Prepared Surrebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2008 through December 31, 2010, Docket No. P-00072247, April 20, 2007. (case settled)

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, March 28, 2007.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, April 11, 2007.

Oral Surrebuttal Testimony and Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania Public Utilities Commission in the Matter of Petition of Pike County Light & Power Company for Expedited Approval of its Default Service Implementation Plan, Docket No. P-00072245, April 19, 2007.

Oral Testimony of Frank Lacey on behalf of Direct Energy Services, LLC before the Pennsylvania House of Representatives Republican Policy Committee, Honorable Michael Turzai, Chairman, March 17, 2008.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, February 12, 2008.

Prepared Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, March 11, 2008.

Prepared Sur-rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, March 25, 2008.

Oral Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC and the Retail Energy Supply Association before the Pennsylvania Public Utilities

Commission in the Matter of Petition of West Penn Power Company dba Allegheny Power for Approval of its Retail Electric Default Service Program and Competitive Procurement Plan for Service at the Conclusion of the Restructuring Transition Period, Docket No. P-00072342, April 2, 2008.

Prepared Direct Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, August 17, 2010

Prepared Sur-Rebuttal Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, October 1, 2010.

Oral Cross-examination Testimony of Frank Lacey on behalf of Direct Energy Services, LLC, before the Pennsylvania Public Utility Commission in the matter of the Joint Application of West Penn Power Company d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corp. for a Certificate of Public Convenience under Section 1102(a)(3) of the Public Utility Code approving a change of control of West Penn Power Company And Trans-Allegheny Interstate Line Company, Docket Nos. A-2010-2176520 and A-2010-2176732, October 5, 2010.

Oral Testimony of Frank Lacey on behalf of Comverge, Inc. at FERC Technical Conference in the Matter of PJM Interconnection, L.L.C., Docket No. ER11-3322-000, July 29, 2011.

Prepared Direct Testimony of Frank Lacey On Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company Petition for Statutory Approval of Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0298, March 11, 2012, and oral cross-examination and rebuttal testimony provided on May 23, 2012 in the same proceeding.

Prepared Direct Testimony of Frank Lacey On Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Ameren Illinois Company Petition for Statutory Approval of a Smart Grid Advanced Metering Infrastructure Deployment Plan Pursuant to Section 16-108.6 of the Public Utilities Act, Docket No. 12-0244 on rehearing, August 24, 2012, and oral cross-examination on September 20, 2012 in the same proceeding.

Prepared Direct Testimony of Frank Lacey on Behalf of Comverge, Inc., before the Illinois Commerce Commission in the matter of Commonwealth Edison Company's Petition for Approval of Tariffs Implementing ComEd's Proposed Peak Time Rebate Program, Docket No. 12-0484, October 25, 2012, and oral cross-examination on December 7, 2012 in the same proceeding.

Lacey, Frank and TafftSchamler, Implementing Principles of Default Service: A Roadmap for Competitive Retail Power Markets. Paper released at PA POLR Roundtable, May 2004.

Building a for-profit Transmission Operation; Key Business Parameters. Presentation to the EEI Transmission Planning Task Force, Kansas City, MO.

Several industry and client-specific presentations.